

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-552-801]

**Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results of New Shipper Review; 2022–2023**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) is conducting a new shipper review (NSR) of Co May Import Export Company Limited (Co May) regarding the antidumping duty (AD) order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam). The period of review (POR) is August 1, 2022, through January 31, 2023. We have preliminarily determined that Co May's sale was a *bona fide* transaction, and that the sale was not made below normal value (NV). Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable January 30, 2024.

**FOR FURTHER INFORMATION CONTACT:** Javier Barrientos, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2243.

**SUPPLEMENTARY INFORMATION:****Background**

On August 12, 2003, Commerce published in the *Federal Register* the AD Order on fish fillets from Vietnam.<sup>1</sup> On March 23, 2023, we initiated an NSR based on a timely request from Co May.<sup>2</sup>

For a complete description of the events that followed the initiation of this NSR, *see* the Preliminary Decision Memorandum.<sup>3</sup> A list of topics included in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty

Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNotices/ListLayout.aspx>.

**Scope of the Order**

The products covered by this order are fish fillets from Vietnam. For a complete description of the scope of the Order, *see* the Preliminary Decision Memorandum.

**Methodology**

Commerce is conducting this NSR in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214. Commerce calculated export price in accordance with section 772 of the Act. Because Vietnam is a non-market economy country within the meaning of section 771(18) of the Act, Commerce calculated NV in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

**Preliminary Results**

As a result of this NSR, Commerce preliminarily determines the following weighted-average dumping margin exists for the period, August 1, 2022, through January 31, 2023.

Exporter and producer	Weighted-average dumping margin (dollars per kilogram)
Co May Import Export Company Limited .....	\$0.00

**Verification**

As provided in 19 CFR 351.307(b)(iv), Commerce intends to verify the information submitted by Co May in advance of the final results of the review.

**Disclosure and Public Comment**

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties will be notified of the deadline for the submission of case

briefs at a later date.<sup>4</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>5</sup> Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>6</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes.<sup>7</sup> In this NSR, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs. Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the Issues and Decision Memorandum that will accompany the final results of this NSR. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>8</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain the following information: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically-filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 14 days after the date of publication of this notice.<sup>9</sup> If a request for a hearing is made, Commerce

<sup>1</sup> See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, 68 FR 47909 (August 12, 2003) (Order).

<sup>2</sup> See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review, 88 FR 18520 (March 29, 2023).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of New Shipper Review of the Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam; 2022–2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>5</sup> See 19 CFR 351.309(d)(1) and (2); *see also* Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule, 88 FR 67069 (September 29, 2023) (APO and Service Final Rule).

<sup>6</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>7</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>8</sup> See APO and Service Final Rule.

<sup>9</sup> See 19 CFR 351.310(c).

intends to notify parties of the time and date for the hearing.

Commerce intends to issue the final results of this NSR, including the results of its analysis of issues raised in any written briefs, no later than 90 days after the date of issuance of this notice, unless extended, pursuant to section 751(a)(2)(B)(iii) of the Act.

#### Assessment Rates

Upon issuing the final results of this review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, ADs on all appropriate entries covered by this review.<sup>10</sup> If the respondent's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to duties. If the respondent's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific (or a customer-specific) per-unit assessment rate by dividing the amount of dumping for the reviewed sale to the importer or customer by the total sales quantity associated with the transaction(s). If an importer-specific rate is zero or *de minimis*, Commerce will instruct CBP to liquidate the appropriate entries without regard to ADs.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Instructions

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise produced and exported by Co May, the cash deposit rate will be the rate established for Co May in the final results of this NSR (except, if the rate is zero or *de minimis*, then no cash deposit will be required); (2) for subject merchandise exported by Co May, but not produced by Co May, the cash deposit rate will be the rate for the

Vietnam-wide entity; and (3) for subject merchandise produced by Co May, but not exported by Co May, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of ADs prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of ADs occurred and the subsequent assessment of double ADs.

#### Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act, and 19 CFR 351.214.

Dated: January 17, 2024.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Discussion of Methodology
- V. Recommendation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Protocol for Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Information Collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection

requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before April 1, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-0468 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Stephen Manley, NMFS Office of Protected Resources, 1315 East West Highway, #13604, Silver Spring, MD 20910, (301) 427-8476 or [stephen.manley@noaa.gov](mailto:stephen.manley@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This is a request for extension of an approved information collection. In 1989, the National Marine Mammal Tissue Bank (NMMTB) was established by the National Marine Fisheries Service (NMFS) Office of Protected Resources (OPR) in collaboration with the National Institute of Standards and Technology (NIST), Minerals Management Service (MMS), and the US Geological Survey/Biological Resources Division (USGS/BRD). The NMMTB provides protocols, techniques, and physical facilities for the long-term storage of tissues from marine mammals. Scientists can request tissues from this repository for retrospective analyses to determine environmental trends of contaminants and other substances of interest. Under 16 U.S.C. 1421f section 407(d)(1) of the Marine Mammal Protection Act, the NMFS must establish criteria for access to marine mammal tissues in the NMMTB and make those available for public comment and review. This was accomplished through the proposed rule RIN 0648-AQ51, published on 11/12/2002, and codified in 50 CFR 216.47.

The NMMTB collects, processes, and stores tissues from specific indicator species (*e.g.*, Atlantic bottlenose dolphins, Atlantic white sided dolphins, pilot whales, harbor porpoises), animals from mass standings, animals that have been obtained incidental to commercial fisheries, animals taken for subsistence purposes, biopsies, and animals from

<sup>10</sup> See 19 CFR 351.212(b).